IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16650 of 2004

Between:

K.Venkateswarlu, S/o.K.Naganna,
Ward Nos. 5 and 6, of Molagavalli Village, R/o.Molagavalli Village,
Alur Mandal, Kurnool Dist.

..... PETITIONER

AND

1 The Dist.Collector, Kurnool, Dist.
2 The R.D.O, Adoni, Kurnool Dist.
3 The M.R.O., Alur Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 2nd and 3rd respondents in not continuing the petitioner as Fair Price shop dealer of Ward Nos.5 and 6 of Molagavalli Villager, Alur Mandal, Kurnool District and in not releasing the stocks to petitioner as, bad, arbitrary, illegal and violation of principles of natural justice, contrary to the order of this Hon'ble court in W.P. No.12809 of 2004 dated 22-07-2004 and consequently direct the 2nd and 3rd respondents to continue the petitioner herein as Fair price shop Dealer of Ward Nos. 5 and 6 of Molagavalli village and release the stocks.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

Admittedly, the petitioner was appointed only as a temporary dealer of Fair Price Shop of Ward Nos.5 and 6 of Molagavalli village, Alur Mandal, Kurnool District. It appears that subsequently, the vacancy in respect of the said shop was notified in the month of May 2004. Challenging the same, the petitioner filed W.P.No.12809 of 2004, which was disposed of by this Court by order dated 22-07-2004 with an observation that the petitioner should not be disturbed without following due process of law. Thereafter, the second respondent-Revenue Divisional Officer, Adoni, Kurnool District appointed one M.Shabbir Basha as the dealer of fair price shop in question. However, the petitioner states that the said dealer has tendered his resignation on 07-08-2004. Thereafter, though the second respondent instructed the third respondent-Mandal Revenue Officer, Alur Mandal, Kurnool District to continue the petitioner as temporary dealer, the petitioner states that the third respondent failed to release the stocks to the petitioner. Hence, this writ petition.

The only contention raised by the petitioner is that since as on today, no permanent dealer is continuing, the 3rd respondent is not justified in not releasing the stocks to the petitioner, against whom there are no allegations of any irregularities in distribution of essential commodities.

Having heard the learned Counsel for both the parties and on a perusal of the material on record, the writ petition is disposed of with a direction to respondents 2 and 3 to consider the request of the petitioner to continue him as temporary dealer in case the vacancy still exists and no permanent appointment is made to the shop in question. No costs.

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11-10-2004

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To

1 The Dist.Collector, Kurnool, Dist.
2 The R.D.O, Adoni, Kurnool Dist.
3 The M.R.O., Alur Mandal, Kurnool Dist.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5. Two C.D.Copies.